

ORDINANCE NO. 14-02

**AN ORDINANCE AMENDING TITLE 6, CHAPTER 9 ADDING PROVISIONS RE
ELECTRONIC CIGARETTES OR ALTERNATIVE NICOTINE PRODUCTS**

WHEREAS, the Morton Municipal Code was adopted on March 2, 1970, and duly published in book form; and

WHEREAS, Title 6 Chapter 9 contains provisions prohibiting the consumption of tobacco by minors; and

WHEREAS, the President and Board of Trustees desire to prohibit the use by minors of electronic cigarettes or alternative nicotine products.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD
OF TRUSTEES OF THE VILLAGE OF MORTON** as follows:

1. Title 6 Chapter 9 is changed to read as follows:

**CHAPTER 9: POSSESSION OR CONSUMPTION OF TOBACCO OR
ELECTRONIC CIGARETTES OR ALTERNATIVE NICOTINE PRODUCTS BY
MINORS**

2. Title 6 Chapter 9 Section 1 is amended by adding the following definitions:

“Electronic Cigarette” is a battery-powered device which simulates tobacco smoking. It uses a heating element called an atomizer that vaporizes a liquid solution. An “Electronic Cigarette” includes devices known as personal vaporizer or electronic nicotine delivery system.

“Alternative Nicotine Product” is a product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means. This does not include tobacco products as that term is defined in this Section or any product approved by the United States Food and Drug Administration as a non-

tobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medicinal purposes.

3. Title 6 Chapter 9 Section 2 is amended to read as follows:

SALES; DELIVERY: It shall be unlawful for any person to sell, offer for sale, give away, or deliver tobacco products or electronic cigarettes or alternative nicotine products to any person under the age of eighteen (18) years.

4. Title 6 Chapter 9 Section 4 is amended to read as follows:

POSSESSION OR CONSUMPTION: It shall be unlawful for any person under the age of eighteen (18) years to possess or consume any tobacco products or electronic cigarettes or alternative nicotine products.

5. Title 6 Chapter 9 Section 6(D) is amended to read as follows:

(D) Notwithstanding the foregoing, the penalty for the sale of a tobacco product or electronic cigarette or alternative nicotine product to a person under the age of eighteen (18) years, shall be one hundred dollars (\$100.00) for the first offense. The penalty for any subsequent offense shall be a minimum of two hundred dollars (\$200.00) and a maximum of seven hundred fifty dollars (\$750.00).

BE IT FURTHER ORDAINED, that this ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

PASSED AND APPROVED at a regular meeting of the President and Board of Trustees of the Village of Morton this 5th day of May , 2014; and upon roll call the vote was as follows:

AYES: Belsley, Daab, Hermann, Newhouse

NAYS: None

ABSENT: Heer, Kaufman

ABSTAINING: None

APPROVED this 5th day of May, 2014.

R Raines

President

ATTEST:

Joseph A. Gohl
Village Clerk

